

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

HAMICA S BROWN,

Plaintiff,

v.

ENHANCED RECOVERY COMPANY LLC,

Defendants.

COURT FILE NO.: _____

COMPLAINT

JURY TRIAL DEMANDED

Plaintiff, Hamica S Brown ("Plaintiff"), by and through her attorney, Subhan Tariq, Esq., as and for her Complaint against the Defendant, Enhanced Recovery Company LLC (hereinafter referred to as Defendant(s)), respectfully sets forth, complains and alleges, upon information and belief, the following:

JURISDICTION AND VENUE

1. Jurisdiction of this Court arises under 28 U.S.C. § 1331 and pursuant to 15 U.S.C. § 1692k(d), and pursuant to 28 U.S.C. § 1367 for pendent state law claims.
2. This action arises out of Defendants' repeated violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq. ("FDCPA") and out of the invasions of Plaintiff's personal and financial privacy by these Defendants and their agents in their illegal efforts to collect a consumer debt from Plaintiff.
3. The Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331, as well as 15 U.S.C. § 1692 et seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the State law claims in this action pursuant to 28 U.S.C. § 1367(a).
4. Venue is proper in this judicial district pursuant to 28 U.S.C. §1391(b)(2).

PARTIES

5. Plaintiff Hamica S. Brown is a resident of State of New York, residing at 1264 E 52nd Street, 2nd Floor, Brooklyn, NY 11234.
6. Defendant Enhanced Recovery Company LLC is a Florida limited liability company engaged in the business of collecting debts with its principal place of business located at 8014 Bayberry Road, Jacksonville, FL 32256.
7. Plaintiff is a “consumer” as defined by the FDCPA, 15 USC § 1692(a)(30).
8. The Defendant is a “debt collector” as defined and used in the FDCPA under 15 USC § 1692(a)(6).

FACTUAL ALLEGATIONS

9. Plaintiff repeats, reiterates, and incorporates the allegations contained in paragraphs numbered “1’ through “8” herein with the same force and effect as if the same were set forth at length herein.
10. Upon information and belief, Defendant, on behalf of a third-party, began efforts to collect an alleged consumer debt from the Plaintiff.
11. Upon information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communications with the Plaintiff by reporting her account to credit bureaus.
12. On or about March 13, 2014, Plaintiff along with her agent Alberto Reyes Jr from Asset Protection & Management Inc called Defendant in order to get information on her account.
13. Mr. Reyes was connected to a female representative of Defendant who spoke indistinctly and identified herself as “Aria Perry.”

14. After confirming the client's information and power of attorney, Mr. Reyes asked if Defendant is willing to settle on the account.

15. Defendant's agent, Aria, replied "We see a balance owed to Sprint in the amount of \$218.17.

16. Mr. Reyes replied "Will you take a settlement on this account?"

17. Defendant's agent, Aria, replied "Yes sir."

18. Mr. Reyes asked "How much can you do it for?"

19. Defendant's agent, Aria, replied "We can close it out for \$119.99 that is without the handling fee of \$9.95. With the fee the total comes out to \$129.94."

20. Mr. Reyes asked "How much is the fee?"

21. Defendant's agent, Aria, replied "The fee is \$9.95."

22. Mr. Reyes then asked "The fee is for?"

23. Defendant's agent, Aria, replied "That is the handling fee since we don't add interest, penalty, or late fees to the account."

24. Mr. Reyes then asked "So it is \$119 plus \$9.95?"

25. Defendant's agent, Aria, replied "Yes sir."

FIRST CAUSE OF ACTION

(Violations of the FDCPA)

26. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "25" herein with the same force and effect as if the same were set forth at length herein.

27. According to 15 U.S.C. § 1692(f)(1), a debt collector is prohibited from the collection of any amount (including any interest, fee, charge, or expense

incidental to the principal obligation) unless such amount is expressly authorized by the agreement creating the debt permitted by law.

28. Defendant violates 15 U.S.C. § 1692(f)(1) by attempting to collect unexplained unauthorized fees from consumers.

29. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

30. Plaintiff hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment from the Defendants as follows:

- A. For actual damages provided and pursuant to 15 U.S.C. § 1692(k)(a)(1);
- B. For statutory damages provided and pursuant to 15 U.S.C. § 1692k(a)(2)(A)
- C. For statutory damages provided and pursuant to 15 U.S.C. § 1692k(a)(2)(B)
- D. For attorneys' fees and costs provided and pursuant to 15 U.S.C. 1692k(a)(3);
- E. A declaration that the Defendant's practices violated the FDCPA;
- F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: June 3, 2015

Respectfully submitted,

s/Subhan Tariq, Esq.

Subhan Tariq, Esq.

Attorney I.D.# ST9597

The Law Offices of Subhan Tariq, Esq., PLLC

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Attorney for Plaintiff

To: Enhanced Recovery Company LLC
8014 Bayberry Road
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(Via Prescribed Service)

Clerk of the Court,
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

(Via Electronic Court Filing)